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10/004,107	12/06/2001	John Wirth JR.	JHN-3584-7	3906

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/02/2010

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/004,107
Filing Date: December 06, 2001
Appellant(s): WIRTH, JOHN

Jeffrey H. Nelson
For Appellant

EXAMINER'S ANSWER

This is in response to an order returning un-docketed appeal to the examiner dated 01/23/2009 to correct the vacated Examiner's Answer submitted 12/13/2007 which was in response to the appeal brief filed 08/02/2007 appealing from the Office action mailed 08/28/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on March 06, 2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,440,401

PARULSKI et al

9-1995

Harold's website (www.harolds.com)

HTML Image Spitter 1.36-speed up loading of huge images (www.imagecure.com)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-78 and 83-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Harolds" harolds.com in view of Parulski et al in further view of Image Splitter.

Harolds teaches a method of browsing a product catalog via a telecommunications network (e.g. the Internet) comprising for each page of said product catalog, storing in a first device connected to said network a file containing a low resolution scan of said catalog page, each of said catalog pages containing at least one image and text for identifying and purchasing products presented on said catalog page, said low resolution scan displaying said image and text in the format of a printed catalog page.

Examiner notes that users of the Harolds website are shown a low resolution scan of a catalog page (see pages 8-10). These pages contain images of products as well as text descriptions. Users can select a particular item from the page by clicking on that item (see for example the "Descending Garden Dress" and "Cartoon Daffodil Skirt" as highlighted by Examiner on page 8).

Upon clicking on a particular product from among the low resolution picture of the catalog page a user transmits a request via a URL for a detailed product presentation. The

detailed product presentation, transmitted to user, is a high resolution image of the product selected by the use (see pages 11 and 12).

The detailed presentation page contains at least one link for purchasing product as well as an order data block containing ordering information (see page 11 for Examiner's annotations).

Examiner notes that Harold's is silent as to the specifics of how the low-resolution scan is generated, particularly whether or not it is based on a predefined reduction ratio. Parulski teaches creating low resolution index images of high resolution based on predefined reduction ratio (see column 4, lines 1-18). Parulski teaches this predefined ratio as useful to speed up the process. It would have been obvious to one of ordinary skill in the art to modify the low-resolution scan of Harold's to be based on a predefined reduction ratio relative to the high resolution scan. One of ordinary skill in the art would have been motivated to modify the reference in order to speed up the download times.

Harold's further does not specifically teach a separate low-resolution scan of said catalog page. In fact as pointed out by Applicant Harold's teaches pages 2 and 3 as one low resolution scan (same with pages 4-5 and 6-7).

Examiner submits a product called Image Splitter, available prior to the effective date of the present application. Image Splitter allows a user to split an image into multiple images. Image Splitter teaches this is used to dramatically speed up loading of images included in an HTML page.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use Image Splitter to split the image of two catalog pages of Harold into separate scan files for

each page. One of ordinary skill in the art would have been motivated to make such a modification in order to dramatically speed up loading of images included in an HTML page.

(10) Response to Argument

Applicant argues that use of Image Splitter fails to properly rejected the claims.

Applicant asserts that the prior art, especially Image Splitter, fails to teach "a low resolution image file of a predefined size for providing a separate low resolution image of each catalog page." Applicant goes on to assert that using Image Splitter would result in the display of two pages.

Examiner notes that there is nothing in the claim which limits the number of pages or images displayed. As pointed out by Applicant on page 32, the claim requires "a separate low resolution image of each page." The only requirement from this limitation is that each page is stored as its own image. How many pages/images are displayed is not part of the claim.

The prior art clearly teaches a separate image for each page because Image Splitter is used to split the catalog pages into separate images. Whether or not two images are displayed, is irrelevant to the claimed invention, since the claim language does not recite how many pages and/or images are display. The claim only requires that each page have its own image.

Applicant further asserts that the prior art fails to disclose a separate detailed product presentation for each product on the low resolution scan of each page. Examiner respectfully disagrees and notes that each product on that scan is part of an image map, which links to a separate detail page for that product.

Applicant asserts that "it is not clear that the 'detailed product presentation' for catalog pages 2 and 4 includes a high resolution photograph of either of these products." Examiner respectfully disagrees and believes the art provided makes it perfectly clear that a higher resolution graphic of the dresses from the catalog pages are clearly presented with the detailed product presentation. Any other conclusion is unreasonable.

Applicant asserts that Harolds fails to teach "links corresponding to such information for either of such products that allows a shopper to directly purchase a product." It is further argued by Applicant that Harolds link to an on-line form represent an indirect initiating a purchase. Examiner respectfully disagrees.

Applicant's claim requires "a corresponding link for each ordering information entry". Examiner notes that the "link" on the website of Harold to the order form represents such a link. Further the on-line order form is "for directly purchasing said product."

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Daniel S Felten/

Primary Examiner, Art Unit 3693

Art Unit: 3693

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/E. C./

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